



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Twenty Eighth day of June Two Thousand Sixteen
PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP (MD) No.10439 of 2016

KAPIL @ KAPILSINGH

... PETITIONER/ACCUSED No.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
SOUTH POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO. 703 OF 2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S S.RAJENDRAN Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is arrayed as accused No.2, who was arrested and remanded to judicial custody on 04.06.2016 for the alleged offences punishable under Sections 147, 148, 294(b), 307, 506(ii) of IPC and Section 4 of TNWH Act and Section 3 of TNPPDL Act, 1992, in Crime No.703 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that due to previous enmity, the petitioner and other accused picked up a quarrel with the defacto complainant and abused him in filthy language and damaged the two wheeler worth about Rs.5,000/-. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. A3 was already arrested and enlarged on bail by this Court in Crl.O.P.(MD)No.9654 of 2016 dated 20.06.2016 and A1 and A4 were already granted anticipatory bail by this Court in Crl.O.P(MD)No.10234 of 2016, dated 24.06.2016.

4.The learned counsel for the petitioner submitted that the alleged damage is worth about Rs.5,000/- and the same was already deposited by the Accused Nos.1,3 & 4.

5.The learned Government Advocate(Crl.side) submitted that this is a case and case in counter and the injured person had already been discharged from the hospital.

6.Considering the facts and circumstances of the case and also considering the fact that this is a case and case in counter and the injured person had already been discharged from the hospital and the petitioner is in judicial custody from 04.06.2016 and the co-accused



No.3, was arrested and enlarged on bail and A1 & A4 were granted anticipatory bail by this Court, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

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- (i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Thoothukudi.
- (ii) the petitioner shall report before the respondent police daily at 10.00 a.m. until further orders.
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner shall not abscond either during investigation or trial.
- (v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

7.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-

28/06/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.1, TUTICORIN.
- 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI AT TIRUNELVELI.
- 4 THE INSPECTOR OF POLICE, SOUTH POLICE STATION, THOOTHUKUDI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S S.RAJENDRAN Advocate SR.No.33458

ORDER

IN

CRL OP(MD) No.10439 of 2016

Date :28/06/2016

PA/GSV-PM/SAR II/28.06.2016/2P/7C